

32.7.3

26b → (סיום הפרק) 27a → (איבעיא להו בעלים ביובל שני)

1. ואם לא יגאל את השדה ואם מכר את השדה לאיש אחר לא יגאל עוד: ויקרא כו, כ
 2. בשנת היובל ישוב השדה לאשר קנהו מאתו לאשר לו אחזת הארץ: ויקרא כו, כד
 3. ואם את שדה מקנתו אשר לא משדה אחזתו יקדיש לה: ויקרא כו, כז

- I (continuing analysis of ר"א's approach to שדה אחוזה after יובל) question posed: are original owners considered "outsiders" if they come to redeem it during "יובל 2nd"? (after יובל lapsed)
- a Answer: v. 1 – לא יגאל עוד, interpreted that it may not come back as שדה אחוזה, but is שדה מקנה
- i This must be: according to ר"א (to ר"י ור"ש, before יובל it does return; afterwards is moot) → he is like any outsider
- ii Rejection: ר"י ור"ש must also interpret "עוד"
- 1 Rather: this refers to a field that went to כהנים, who were מקדיש and then original owners redeem
 (a) Contra: idea that they cannot redeem at all → "עוד" – doesn't return as שדה אחוזה, but can be שדה מקנה
 2 Support: ברייתא on v. 2 – field that goes to כהנים at יובל and then sold by כהן and new owner is מקדיש and an outsider redeems
 (a) At יובל reverts to second owner, not original owner
 (b) Justification: if it only stated לא יגאל – we would think that it cannot be redeemed at all
 (i) And: if only stated לאשר קנהו – לאשר סד"א it doesn't return when original owners don't pay; but here, where they are willing to redeem it back – might return as שדה אחוזה –
 (ii) And: we also need "עוד"; without it, we would think that it can't be redeemed at all
 (iii) Therefore: "עוד" – cannot return to שדה אחוזה status, but is bought back by original owners as שדה מקנה
- b Resolution: ברייתא – ר"א rules that if the owners redeemed during "יובל שני" (i.e. after יובל), it goes to כהנים at next יובל
 i challenge (רבינא לר"א): in our משנה ר"א ruled that כהנים don't take possession until an outsider redeems it
 ii answer: the owners are like any outsider after יובל (→ יובל can take possession at next כהנים)
- c alternate version: ר"א ruled that if owner redeemed during יובל שני, doesn't go to כהנים at next יובל
 i support (רבינא לר"א): follows our משנה
 ii rejection: from our משנה, we may have thought that owners are like outsider – קמ"ל that they are still בעלים
- II ה dispute: משנה ה
- a If he bought father's field, father died and he was then מקדיש – considered שדה אחוזה
 i And: if he doesn't redeem by יובל – lost to כהנים
- b But if he bought the field, was מקדיש and then father died
 i ד"מ considered שדה מקנה (returns to father's estate at יובל – then to him)
 ii ד"מ considered שדה מקנה, per v. 3 – this field is "fit to be" שדה אחוזתו
- c שדה מקנה: reverts at יובל, as no one may be מקדיש something which isn't theirs (may be מקדיש for "term of lease"- til יובל)
- d יובל may be מקדיש and גואל at any time – before or after יובל
 i Question: we understand גואל – that they may even redeem after יובל, unlike ישראל
 1 However: מקדישין is odd – anyone can be מקדיש
 (a) Proposal: perhaps it is meant to include the ability to be שדה מקדיש during the יובל year
 (b) Block: that would only work for שמואל, who disallows this for ישראל; but for רב – anyone may
 2 Answer: parallel construction – in משנה א' יובל, לפני/לאחר יובל, is invoked, as well as מקדישין/גואל
- III Analysis of dispute
- a ברייתא: both opinions invoked, both relying on v. 3
 i ד"מ ור"ש: excluded is a field which had potential to be שדה אחוזתו
 ii ד"מ: excluded is a field which was שדה אחוזה (i.e. father died and he "inherited" before being מקדיש)
- b Proposal: they disagree if קנין הגוף: קנין פירות
 i שדה מקנה → ק"פ כקה"ג ד"מ → the son is an owner when he buys → שדה מקנה
 ii ק"פ לכקה"ג ד"מ ור"ש → son is not an owner, when father dies, becomes an heir → שדה אחוזה
- c Rejection (רנב"י): generally, all agree that קנין פירות are considered a full קנין הגוף
 i However: they interpreted v. 3; could've said אשר לא אחוזתו or אשר לא שדה מקנתו
 1 But: it states שדה אחוזתו → only if it could never have been שדה אחוזתו....